

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference INT1064/MAJR	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/ZA 02/00172	International filing date (day/month/year) 11.11.2002	Priority date (day/month/year) 17.01.2002
International Patent Classification (IPC) or both national classification and IPC A01M29/00		
Applicant MARCUS, Stanley		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains Indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 22.04.2003	Date of completion of this report 28.05.2004
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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/ZA 02/00172

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-11 as originally filed

Claims, Numbers

1-12 received on 16.10.2003 with letter of 15.10.2003

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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International application No. **PCT/ZA 02/00172**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	1-12
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/ZA02/00172

Item V:

GB-A-2156645 discloses a method/device for repelling animals comprising a flexible envelope 3 and an air source 6 so that the flexible envelope can be inflated. When the fan 6 is off, leakage of air from the apparatus deflates the envelope.

Difference: The flexible tube comprises one nozzles through which compressed air escapes to cause movement of the tube.

US'915: An air compressor forces air into a membrane so that the membrane is selectively inflated. Hence, the subject-matter of claims 1 and 7 is considered to involve an inventive step.

The dependent claims comprise all the features of claim 1 and 7, respectively.

The industrial applicability is obvious.

Figure 3 is not covered by the claims since it does not comprise a nozzle. The description is not adapted to the claims.

CLAIMS

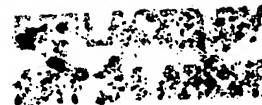
- 5 1. A method of repelling animals from an area which includes the steps of pressurising at least one flexible tube with compressed air and, while pressurizing the tube, allowing compressed air to escape from the tube through at least one nozzle to cause a reaction force which causes movement of the tube within the area.
2. A method according to claim 1 wherein the tube is caused to move substantially randomly.
- 10 3. A method according to claim 1 or 2 wherein the tube is caused to move for a period which is variable.
4. A method according to claim 3 wherein a time interval between successive periods during which the tube is caused to move, is variable.
5. A method according to any one of claims 1 to 4 wherein at least one substance is entrained in the compressed air.
- 15 6. A method according to claim 5 wherein the substance is selected from water, sand and mud.
- 20 7. Apparatus for repelling animals from an area which includes a source of compressed air, at least one flexible tube with an inlet which is connected to the source of compressed air, and at least one outlet nozzle through which compressed air escapes from the flexible tube while the tube is connected to

AMENDED SHEET

the source of compressed air thereby to cause movement of the tube within the area.

8. Apparatus according to claim 7 wherein the tube is elongate and flexible.
9. Apparatus according to claim 7 or 8 wherein the at least one outlet nozzle is oriented to assist in causing movement of the flexible tube.
10. Apparatus according to any one of claims 7 to 9 wherein the tube is caused to rotate around a fixed axis.
11. Apparatus according to any one of claims 7 to 10 wherein the tube is elevated upon application of the compressed air to the inlet and is allowed to settle to an inoperative position when the compressed air is not applied to the inlet.
12. A system for repelling animals from an area which includes a compressed air distribution network, apparatus according to any one of claims 7 to 11, which includes a plurality of the flexible tubes, connected to the network, and a control unit for applying the compressed air via the network, in a controlled manner, to the flexible tubes.

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CLAIMS

1. A method of repelling animals from an area which includes the step of causing at least one device to move, at least within part of the area, by means of a pressurised fluid.
- 5 2. A method according to claim 1 wherein the device is caused to move substantially randomly.
3. A method according to claim 1 or 2 wherein the device is caused to move for a period which is variable.
- 10 4. A method according to claim 3 wherein a time interval between successive periods during which the device is caused to move, is variable.
5. A method according to any one of claims 1 to 4 wherein the pressurised fluid is compressed air.
6. A method according to any one of claims 1 to 5 wherein at least one substance is entrained in the pressurised fluid.
- 15 7. A method according to claim 6 wherein the substance is selected from water, sand and mud.
8. A method according to any one of claim 1 to 7 wherein the device is a flexible tube.

9. A method according to any one of claims 1 to 8 wherein the pressurised fluid is allowed to escape from the device through one or more nozzles to cause a reaction force which helps to cause movement of the device.
- 5 10. Apparatus for repelling animals from an area which includes a device with an inlet which is adapted to be connected to a source of pressurised fluid and which is constructed so that it is movable by application of the pressurised fluid to the inlet.
11. Apparatus according to claim 10 wherein the device includes a tube.
12. Apparatus according to claim 11 wherein the tube is elongate and flexible.
- 10 13. Apparatus according to claim 11 or 12 wherein the tube includes one or more outlet nozzles through which pressurised fluid escapes from the tube and which are oriented to assist in causing movement of the tube.
14. Apparatus according to any one of claims 10 to 13 wherein the device is caused to rotate around a fixed axis.
- 15 15. Apparatus according to any one of claims 11 to 14 wherein the device is elevated upon application of the pressurised fluid to the inlet and is allowed to settle to an inoperative position when the pressurised fluid is not applied to the inlet.
- 20 16. A system for repelling animals from an area which includes a network, a plurality of devices connected to the network, each device being of the type referred to in any one of claims 10 to 15, a source of pressurised fluid and a

control unit for applying the pressurised fluid, via the network, in a controlled manner, to one or more of the devices.